



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AAS:JN/DKK/SME
F. #2017R05903

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 1, 2021

By ECF

The Honorable Cheryl L. Pollak
Chief United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Huawei Technologies Co., Ltd., et al.
Criminal Docket No. 18-00457 (S-3) (AMD)

Dear Chief Judge Pollak:

The government respectfully submits this letter in response to the Court's order dated December 2, 2020 (the "December 2 Order") directing the government to provide an update on its efforts to identify and produce certain discovery pursuant to Federal Rule of Criminal Procedure 16(a)(1)(C) ("Corporate Discovery"). Specifically, the Court ordered the government to produce relevant Corporate Discovery records containing statements of the defendants to law enforcement or the grand jury by May 11, 2021 and to provide an update to the Court on the status of that review process by April 1, 2021. (Dec. 2 Order at 8). As set forth below, the government has been working diligently to identify any such statements and anticipates that it will meet the May 11 deadline set by the Court to produce any such materials.

As an initial matter, and as noted in the government's response to the defendants' motion, the government has already produced a significant volume of discovery, including Corporate Discovery.¹ In order to identify such Corporate Discovery, the government reviewed reports of interviews of current or former employees or agents of the defendants, as well as other documents upon which the government relied in bringing the instant charges.

Consistent with the December 2 Order, and with the government's ongoing production of discovery in this case, the government has engaged in an additional thorough review process to identify any further Corporate Discovery statements to law enforcement or the grand jury. The review process is ongoing, and the government believes it will be able to

¹ The defendants' motion pertained only to unclassified materials and did not seek Corporate Discovery covered by the protective orders previously entered in this matter. The government does not further address those categories of materials in this letter.

produce any materials covered by the December 2 Order and not previously produced to the defendants by the May 11, 2021 deadline.²

Finally, the government notes that its investigation is ongoing. To the extent the government obtains additional statements of current or former employees of the defendants as part of its ongoing investigation that constitute Corporate Discovery, the government will produce such statements.

Respectfully Submitted,

MARK J. LESKO
Acting United States Attorney
Eastern District of New York

By: /s/ Sarah M. Evans
Alexander A. Solomon
Julia Nestor
David K. Kessler
Sarah M. Evans
Assistant U.S. Attorneys

DEBORAH L. CONNOR
Chief
Money Laundering and Asset Recovery Section
Criminal Division
U.S. Department of Justice

Laura M. Billings
Christian J. Nauvel
Trial Attorneys

JAY I. BRATT
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice

Thea D. R. Kendler
David Lim
Trial Attorneys

² Should the government determine that it needs any additional time to review and/or produce materials covered by the December 2 Order, it will inform the Court and request additional time.